7316

ANNO REGNI

GEORGII III.

REGIS

Magnæ Britanniæ, Franciæ, & Hiberniæ,

DUODECIMO.

At the Parliament begun and holden at *Weſtminſter*, the Tenth Day of *May*, *Anno Domini* 1768, in the Eighth Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God, of *Great Britain*, *France*, and *Ireland*, King, Defender of the Faith, *&c.*

And from thence continued, by ſeveral Prorogations, to the Twenty-firſt Day of *January*, 1772; being the Fifth Seſſion of the Thirteenth Parliament of *Great Britain*.

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MDCCLXXII.

ANNO DUODECIMO

Georgii III. Regis.

CAP. XV.

An Act for Lighting, Cleanſing, and Watching, the Streets, Lanes, and other Paſſages, of the Burgh of *Canongate*, and the Liberties of *Pleaſance* and *Leith-wynd*, adjoining to the Royalty of the City of *Edinburgh*.

WHEREAS the Burgh of Canongate is the great Outlet from the City of Edinburgh, but has not the Benefit of being lighted and cleanſed along with the ſaid City, or the Security and Protection ariſing from the City Guard: And whereas the Streets called Pleaſance and Leith-wynd are alſo Parts and Dependencies of the ſaid Burgh of Canongate, but are not lighted, cleanſed, and watched, along with the Suburbs of the City of Edinburgh: And whereas it would not only be a great Advantage and Safety to the Inhabitants of the ſaid Burgh of Canongate, and its ſaid Dependencies, but likewiſe to the Inhabitants of the ſaid City of Edinburgh, and of all Perſons reſorting to and from the ſaid City of Edinburgh, by and through the Canongate, and its ſaid Dependencies, that Preamble.

the Lanes, Ways, Passages, Streets, Vennels, and Avenues thereof, were properly lighted, cleansed, and watched, and a Fund established for that Purpose: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the present Magistrates and Treasurer of the Burgh of Canongate, with the Preses of the Stent Masters thereof, and their Successors in Office, shall, in all Time coming, within the aforesaid Bounds or Limits of the Burgh of Canongate, have Power, and they are hereby authorised and impowered to direct, order, and appoint, in Manner hereafter specified, in all Matters and Things respecting the lighting, cleansing, and watching of the said Burgh of Canongate, and its said Dependencies, and of the Streets, Lanes, Ways, Passages, Avenues, and Vennels, within or leading to the same; and to nominate and appoint Clerks, Servants, Scavengers, Watchmen, and other Officers necessary for the Execution of this present Act, and at Pleasure to remove and displace them, or any of them; and to limit and appoint the Salaries, Wages, and other Allowances to be given to such Officers and Servants, and to the Collector hereafter appointed; and to direct and appoint the Number of Lamps to be set up, and the Places to which they shall be affixed; and to appoint proper Persons for watching and cleaning the said Streets, Lanes, Passages, and others; and to make all such other Orders, Rules, and Regulations, from Time to Time, as shall appear necessary in the Premises; and to alter and vary the same as they may see cause: And the said Magistrates, Treasurer, and Preses, shall meet at all Times, in relation to the Execution of this Act, in the Court House of the Canongate, upon Twenty-four Hours previous Notice in Writing to be given by One of the Officers of Canongate, by Order of any of the Magistrates, Treasurer, or the said Preses of the Stent Masters thereof; and in all such Meetings Three shall be a Quorum; and the eldest Magistrate present shall preside in the respective

Magistrates, &c. of *Canongate*, to direct the lighting, cleansing, and watching the Streets, &c.

Meetings, and all Questions shall be determined by the Majority of Persons present at the Time, and the Preses, in case of an Equality, shall have the casting Vote.

Proceedings to be entered in Books.

And be it further enacted, That all Acts, Orders, and Proceedings of the said Meetings, shall be regularly entered, from Time to Time, in Books to be kept for that Purpose, and shall be signed by the Preses and Clerk of the said Meetings; and such Entries shall be held and taken to be the original Orders and Proceedings of the said Meetings; and such Books shall and may be produced and taken as Evidence in all Courts whatsoever.

Contracts may be made for lighting and cleansing.

And be it enacted, That it shall be lawful to the said Magistrates, Treasurer, and Preses of the Stent-masters of Canongate, and they are hereby impowered to contract with any Person or Persons, for lighting and cleansing the Streets, Ways, Passages, and others, of the said Burgh of Canongate and its said Dependencies; and that such Contract or Contracts shall be signed by the Preses and Clerk, in Name of the Meeting, at which the said Agreement or Contract shall be made and entred into.

Contracts not to be entered into till Notice given.

And be it further enacted, That no Contract shall be entered into by the said Magistrates and Preses of the Stent-masters for lighting the said Streets, Lanes, and Passages, and others, of the said Burgh of Canongate, Pleasance, and Leith-wynd, till after Four Weeks previous Notice has been given in each of Two of the Edinburgh News Papers, to Persons to give in signed Proposals for lighting the said Lamps; and the said Magistrates and Preses of the Stent-masters, shall accept of, and contract with the Persons whose Proposals shall appear to be most reasonable and beneficial.

Magistrates, &c. to have no Concern in Contracts for lighting.

And be it further enacted, That it shall not be lawful to any of the said Magistrates, Treasurer, Preses, or any of the said Stent-masters, to have any Concern, directly or indirectly, in undertaking to light the said Lamps; declaring, That if any such Concern shall be made appear, the Person so concerned shall lose and forfeit any Right or Claim to Payment; or if Payment is made, shall be subject to restore the Sum, to which

his Share in the said Contract or Undertaking shall amount, beside Full Costs of Suit; and Action for that Purpose shall be competent at the Instance of any One of the said Magistrates, Treasurer, Preses, or any One of the said Stent-masters, at the Time, or at the Instance of any Two or more Heritors, qualified to be Stent-masters in Terms of this Act.

Contracts to be paid out of Monies raised for the Purpose of this Act.

And be it further enacted, That the said Magistrates, Treasurer, and Preses of the Stent-masters, are hereby authorised and impowered to order such Sum or Sums as they shall contract for, to be paid out of the Monies to be raised for the Purposes of this Act, in Manner hereafter directed.

Writings exempt from Stamp Duties.

Provided always, and be it further enacted, That no Nomination, Contract, Bond, or other Writing whatsoever, under the Hand of the said Preses and Clerk, concerning, or in Execution of the Powers vested in them by this Act, shall be chargeable with any Stamp-duty whatsoever.

Assessments to be made for lighting the Streets, &c.

And, in order to raise a Fund for defraying the Charges of lighting the Streets, Lanes, Passages, and others, of the said Burgh of Canongate; be it enacted by the Authority aforesaid, That the Stent-masters of the Canongate shall be, and they are hereby impowered and required, at the Time of imposing and proportioning the Land-tax or Cess of the said Burgh of Canongate, for the Service of the Year One thousand seven hundred and seventy-two, and annually thereafter, to assess and lay upon all Heritors, Life-renters, and other Proprietors of Houses, Lands, and Tenements, within the said Burgh of Canongate, and its said Dependencies, subject to the Payment of Land-tax or Cess, an annual Assessment not exceeding Two and an Half per Centum in the Pound of the real Rents, as the same now are, or shall at any Time hereafter stand rated in the Cess Books of the said Burgh of Canongate, or so much of the said Sums as the said Magistrates, Treasurer, and Preses of the Stent-masters aforesaid shall judge necessary for the said Service at the Time; which annual Assessment shall be payable in the same Proportions,

tions, and at the same Times, with the Cess for each Year respectively, and shall be levied and collected by the Clerk of Canongate, Collector of the Cess for the said Burgh of Canongate; for collecting of which Assessment, such Allowance shall be made as the said Magistrates, Treasurer, and Preses of the Stent-masters, shall judge proper; and the like Action and Execution shall be, and is hereby directed and appointed to be competent for recovering and levying such Assessment as is authorised by the Law and Practice of Scotland, and used there for levying and in-bringing of the Cess or Land-tax; and the said Collectors of the Cess for the said Burgh of Canongate, for the Time being, are hereby impowered and required so to levy, collect, and afterwards pay over the said Assessment to the said Magistrates, Treasurer, and Preses of the Stent-masters, or to such Person or Persons as they, or a Majority of them, shall appoint.

Qualification of the Stent-masters.

And it is hereby further enacted, That in Time coming, no Person shall be appointed a Stent-master within the said Burgh of Canongate, who is not a residing Heritor for the Time, possessed of Lands and Tenements to the Value of Fifteen Pounds Sterling of yearly Rent.

Lamps within the *Canongate* to continue burning as long as the Lamps within the City of *Edinburgh*.

And be it enacted, That the said Lamps within the Canongate, Pleasance, and Leith-wynd, shall be lighted with, and continue burning as long as the Lamps within the City of Edinburgh, or longer, if judged necessary.

Three-fourth Parts of the Monies arising from the Sett of the Dung, &c. to be applied towards cleansing and watching.

And, for raising and establishing a Fund for defraying the Expence of watching and cleansing the said Streets, Lanes, Ways, Passages, Vennels, and Avenues of the said Burgh of Canongate, Pleasance, and Leith-wynd, be it enacted, That from and after the Twenty-fifth Day of March next, the said Magistrates shall annually, in all Time coming, apply Three-fourth Parts of the Monies or Tack-duties arising, or that shall arise, from the Sett of the Dung or Fulzie of or upon the said Streets, Avenues, Ways, Passages, Closes, Vennels, and others, of the said Burgh of Canongate, Pleasance, and Leith-wynd, towards defraying the Expence of cleansing and watching the said Streets, Avenues, Passages, and others.

And

Dung, &c. to be let by publick Roup.

And be it further enacted, That it shall only in Time coming be lawful to the said Magistrates to sett or lease the said Dung or Fulzie by publick Roup, upon previous Notice of Four Weeks in each of Two of the Edinburgh News-papers, and for no longer Space than Five Years at each Sett or Lease.

Magistrates to levy the Monies leviable by Act of Parliament of *Scotland* in 1663, for the Purposes of the Act.

And be it further enacted, That from and after the said Twenty-fifth Day of March next, the said Magistrates shall be impowered, and they are hereby impowered and required annually to levy the whole Monies leviable from the Inhabitants within the said Burgh of Canongate, in virtue of an Act of the Parliament of Scotland in the Year One thousand six hundred and sixty-three, by the Name of Annuity, or so much thereof as they shall judge necessary to answer the Purpose of the said Act, in the first Place; and in the next Place, for defraying the Deficiency of the Expence of watching and cleansing the Streets, Lanes, Passages, and others, of the said Burgh of Canongate, Pleasance, and Leith-wynd, after Application of the aforesaid Three-fourth Parts of the Monies or Tack-duties arising, or that shall arise from the Sett of the Dung or Fulzie of the Streets, Ways, and others, of the said Burgh of Canongate, Pleasance, and Leith-wynd.

Deficiency of the Fund for lighting, how to be supplied.

And be it further enacted by the Authority aforesaid, That if the aforesaid Assessment of Two and an Half per Centum upon the real Rent of the Houses and Tenements directed to be levied by the Authority of this Act, for lighting the Streets of the said Burgh of Canongate, Pleasance, and Leith-wynd, shall prove insufficient for defraying that Expence; and that the Three-fourth Parts of the Monies and Tack-duties arising, or that may arise from the Dung and Fulzie of the Streets; and that the whole Fund of Annuity aforesaid, authorised to be levied by the Act of the Parliament of Scotland in the Year One thousand six hundred and sixty-three, shall be more than sufficient for answering the Purposes of that Act, and for defraying the Expence of watching and cleansing the Streets, Lanes, Passages, and others, of the said Burgh of Canongate, Pleasance, and Leith-wynd, it shall and may be lawful to the said Magistrates of

Canongate to apply the Surplus arising from the said Tack-duties and Annuity, towards the making up the Deficiency of the Fund for lighting the Streets of the said Burgh of Canongate, Pleasance, and Leith-wynd, or so much thereof as shall be wanted to make up such Deficiency.

Deficiency of the Fund for watching and cleansing, how to be supplied.

And be it further enacted by the Authority aforesaid, That if the aforesaid Tack-duties and Annuity, authorised to be levied in virtue of the aforesaid Act of Parliament of Scotland, shall not be sufficient for answering the Purposes of that Act, and for defraying the Expence of watching and cleansing the Streets, Lanes, Passages, and others, of the said Burgh of Canongate, Pleasance, and Leith-wynd; and that the aforesaid Assessment of Two and an Half per Centum, upon the Houses and Tenements, shall be more than sufficient for answering the Purposes for which it is imposed, it shall and may be lawful for the said Magistrates, Treasurer, and Preses of the Stent Masters of Canongate, to apply the Surplus of the said Fund towards the making up the Deficiency of the Expence necessary for watching and cleansing the Streets, Lanes, Passages, and others, of the said Burgh of Canongate, Pleasance, and Leith-wynd, or so much thereof as shall be thought necessary.

Expences of the Act to be paid in the first Place.

And be it further enacted, That the Sums to be raised and levied, in virtue of this Act, shall be applied by the said Magistrates, Treasurer, and Preses of the Stent Masters of Canongate, in the First Place, to defray the Charges of passing this Act; and afterwards, wholly and solely to the Uses and Purposes herein-before mentioned, and to no other Use or Purpose whatsoever.

Accounts to be kept.

And be it further enacted, That the said Magistrates, Treasurer, and Preses of the Stent Masters of Canongate, shall keep distinct and separate Accounts of all Monies raised, levied, and paid, by virtue of this Act, from and upon account of the aforesaid Assessment, Tack-duties, and Annuity respectively; which Accounts shall be entered in a Book, and signed by the Preses and Clerk of the said respective Meetings; and the said Clerk shall permit any Person assessed to inspect the same

at reasonable Times, paying Sixpence for each Inspection; and shall, upon Demand, give Copies of the same, or any Part thereof, to such Person, on his paying at the Rate of Sixpence for every Page containing Two hundred Words.

Saving the Rights of the City of *Edinburgh*.

Saving and reserving to the City of Edinburgh all Jurisdictions, Commodities, Rights, and Privileges, competent and belonging thereto, within or over the said Burgh of Canongate, and its said Dependencies aforesaid, in the same Manner as the City and Community now have and enjoy, or might enjoy the same.

Publick Act.

And it is hereby further enacted, That this Act shall be taken and allowed in all Courts of Justice as a Publick Act; and all Judges, and others, are hereby required to take Notice thereof as such, without the same being specially pleaded.

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FINIS.